

TEMPORARY GUIDELINES

Selection of Circuit Public Defender Selection Panels

PURPOSE

The purpose of these guidelines is to provide a modified process to allow the county bar association to select members of the Circuit Defender Selection Panels for its Circuit during the current coronavirus (COVID-19) emergency. This temporary process is intended to allow essential operations to continue while minimizing any risk to the public and members of the bar association.

SCCID already has established guidelines for the selection of Circuit Public Defender Selection Panel members; however, the methods provided in the guidelines are not amenable to compliance with the executive orders of the Governor and the recommendations of the CDC. In light of the extraordinary challenges presented by the current emergency, SCCID hereby supplements those established guidelines until further notice.

ELECTION OFFICIAL

The election will be conducted by the President of the county's Bar Association, as identified by the South Carolina Bar. If a county does not have a bar president, or if the bar president is unable or unwilling to conduct an election, then the election shall be conducted by an active licensed attorney residing in the county designated for such purpose by the Executive Director of the Commission.

METHODS FOR CONDUCTING ELECTION

The Election Official may decide to conduct the elections by (1) holding an electronic meeting using the Cisco Webex platform, (2) by conducting an in-person meeting or (3) by mail. In-person and mail elections shall be conducted in accordance to the existing guidelines.

ELECTION METHOD

Video Conference Meeting. The Election Official shall set a date and time to hold a video conference using the Cisco Webex platform. This platform is a free service that will allow for up to 100 participants in each meeting without any time limits for the length of the meeting. Webex is the platform approved by Court Administration for the operations of remote court hearings. The Election Official, or his designee, may establish a free account on the Webex website (www.webex.com) or contact SCCID to set up the electronic meeting.

a. Notice of Video Meeting:

Official notice of the video meeting shall be delivered to all eligible voters at least seven (7) prior to the meeting through the Webex platform by sending a meeting invitation to the primary email address of the voters when the video meeting is set up.

(Finalized June 4, 2020)

The Notice will contain the date, time, meeting ID number and password, and the various options for members to join the meeting.

A master list of eligible voters should be compiled for the county by combining the county bar association's membership list, the list of attorneys by county maintained by the South Carolina Bar, and any other known, active licensed attorneys living in the county.

The Election Official may verify the primary email address of the attorneys using the Attorney Information System (AIS). The email addresses for lawyers admitted in South Carolina can be accessed utilizing the Attorney Information Search at <https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>

The Election Official, or his designee, may email each member an "advance notice" informing them that a video meeting will be held on a specific date/time using Webex and encouraging members to go ahead and download Webex, if needed, and to be on the lookout for the official notice. The Election Official may also advertise the notice through listservs, newsletters, social media or any other means that will reasonably reach all eligible voters within the county.

b. Nominations:

- i. During the video meeting, the Election Official shall call the meeting to order and conduct the meeting as he/she would any other meeting of the bar association. At the appropriate time on the agenda, the floor shall be opened for nominations and all those qualified to vote shall have an opportunity to nominate candidates. Upon the close of the nomination period, the Election Official may allow acceptance by acclamation if the number of candidates equal the number of available seats for the county. Otherwise, a ballot vote shall be conducted as outlined below.
- ii. During the video meeting, the Election Official may allow the nominees to address the attendees regarding their qualifications to serve on the panel.

c. Voting:

- i. If more candidates are nominated for the county's panel seats than available seats, voting shall be conducted by mail-by secret ballot. A ballot shall be emailed to all eligible voters that attended the video meeting within 24 hours of the end of the video meeting, using their primary email address used to send the Notice of Video Meeting. The attached ballot form should be used to develop the mail-in ballot.
- ii. To cast a ballot, each voter shall:
 1. Sign the Voter Certification form.
 2. Cast not more than 1 vote for each available panel seat for the county.
 3. Place the completed ballot form in a sealed envelope.

4. Place the sealed envelope and the Voter Certification form in an and mail it to the address provided by the Election Official.
- iii. All mail-in ballots must be postmarked no later than the 3rd business day after the ballot form is emailed to the voters.
- iv. Each eligible voter shall be entitled to cast one vote for each panel seat available to that county.
- v. The counting of the votes shall take place no earlier than the 5th day after the postmark deadline. None of the envelopes shall be opened until the group counting the ballots are assembled to begin counting the ballots. The Election Official shall notify the SCCID General Counsel of the date/time/location for the counting of the ballots so that a representative of SCCID may attend to witness the counting.
- vi. Those candidates receiving the most votes shall be elected to the available seats on the selection panel.

For example, if there are 2 seats available, the two candidates with the most votes shall be elected.
- vii. The results shall be certified, on the attached form, by the Election Official, or his designee, and the certification shall be given to the SCCID representative in attendance at the counting of the ballots.

**NOTICE OF MEETING
to Nominate and Elect Circuit Defender
Selection Panel Members**

The South Carolina Legislature passed South Carolina Code § 17-3-5 which created a statewide Circuit Public Defender system. The Circuit Public Defender nominee is selected by a Circuit Public Defender Selection Panel, composed of attorneys residing in the counties in the circuit. Our county bar must nominate and elect _____ members for that panel.

In order to nominate someone to serve and to vote for the panel members, you must (1) reside in this county, (2) be an active licensed attorney in South Carolina and (3) comply with the prohibitions concerning pledges. You cannot be nominated to serve on the panel if you are a solicitor, assistant solicitor, an employee of a solicitor's office, an employee of the South Carolina Prosecution Coordination Commission, a member of the judiciary or a member of the Commission on Indigent Defense. Each voter shall be entitled to vote for as many candidates as there are open seats available for that county.

A meeting will be held to accept nominations and hold the elections on _____, 20_____

at _____, ____ . m. at _____

Signature
County Bar President or SCCID Designee

Date

Print Name

**Certification of Eligibility to Vote and/or to be Nominated to
Serve on the Circuit Public Defender Selection Panel**

I, _____, hereby certify that:

1. I am an active licensed attorney residing in _____ County.
2. I am eligible to participate in the Selection-Panel nomination process and to vote for Selection Panel members.
3. I attended the Selection Panel Member Nomination Meeting held via Webex.
4. You Must Select One of the Following:
 - a. _____ I am eligible to serve on my county's Circuit Public Defender Selection Panel.
 - b. _____ I am a solicitor, assistant solicitor, an employee of a solicitor's office, an employee of the South Carolina Prosecution Coordination Commission, a member of the judiciary, or a member of the Commission on Indigent Defense, so I am not eligible to be nominated to the Selection Panel.
5. I have complied with the prohibitions concerning pledges as established in the selection guidelines.

Signature

Bar Number

Date

Printed Name

SECRET BALLOT
for Selection of Circuit Defender
Selection Panel Members

The Election Official shall announce the names of the nominees at the close of nominations and prior to the receipt of these ballots.

VOTING INSTRUCTIONS

You may vote for as many nominees as open Selection Panel positions are available for your county. If you vote for more nominees than positions are available, your ballot will be ruled invalid and not considered.

VOTING METHODS

In-Person Meeting: Print the names of your choice(s) in the blanks below.

Electronic Meeting with Mail-in Certification and Ballot: Circle the names of your choice(s) below. (The Election Official should replace the blanks on the form with the names of the nominees before emailing the form to voters.)

1. _____

2. _____

3. _____

4. _____

5. _____

MAIL-IN BALLOT INSTRUCTIONS:

YOUR BALLOT MUST BE POSTMARKED NO LATER THAN 3 BUSINESS DAYS AFTER IT WAS EMAILED TO YOU.

1. Complete your Ballot Form and seal it alone in a plain envelope.
2. Complete your Voter/Nominee Certification Form.
3. Place the Certification Form AND the Ballot Envelope in another envelope addressed to the Election Official at the address provided.
4. Make sure to affix sufficient postage. Late ballots will not be considered.

**Certification of Proper Election of
Circuit Public Defender Selection Panel Members**

I, _____, hereby swear and affirm that the election of panel members for _____ County's seat(s) on the _____ Circuit's Public Defender Selection Panel were conducted in accordance with the Uniform Guidelines for the Selection of Circuit Public Defenders. I further swear and affirm that all votes were counted and confirmed in an open and public process on _____, 20____, that those elected to the panel had the required plurality of votes, and that all voters were in face eligible to vote, that all nominees were in fact eligible to serve, and that all certified in writing their eligibility.

Individual Authorized to Conduct the Election

Signature

SC Bar Number

Name Printed

Circuit Public Defender Selection Panel Member(s) Elected:

Name

SC Bar Number

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____